



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Twenty-sixth Meeting Day

Tuesday Morning

March 1, 2005

The Senate convened at 10:35 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor David W. Green, Sr., Second Baptist Church, Indianapolis, the guest of Senator Glenn L. Howard.

The Pledge of Allegiance to the Flag was led by Senator Howard.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley <input checked="" type="checkbox"/>	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 216: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 19

Senator M. Young called up Engrossed Senate Bill 19 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 217: yeas 8, nays 41. The bill was declared defeated.

Engrossed Senate Bill 20

Senator M. Young called up Engrossed Senate Bill 20 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 218: yeas 15, nays 34. The bill was declared defeated.

Engrossed Senate Bill 38

Senator Antich-Carr called up Engrossed Senate Bill 38 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 219: yeas 45, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Alderman, Dobis, Saunders, and Klinker.

The President of the Senate yielded the gavel to Senator Garton.

Engrossed Senate Bill 56

Senator Wyss called up Engrossed Senate Bill 56 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 220: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Tinchler.

Engrossed Senate Bill 63

Senator Landske called up Engrossed Senate Bill 63 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 221: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, Gutwein, and Stevenson.

Engrossed Senate Bill 64

Senator Merritt called up Engrossed Senate Bill 64 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 222: yeas 47 nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Murphy.

Engrossed Senate Bill 66

Senator Dillon called up Engrossed Senate Bill 66 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 223: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and C. Brown.

Senator Garton yielded the gavel to Senator Nugent.

Senator Nugent yielded the gavel to the President of the Senate.

Engrossed Senate Bill 73

Senator Steele called up Engrossed Senate Bill 73 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 224: yeas 37, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the

bill. House sponsors: Representatives Whetstone and Fry.

Engrossed Senate Bill 96

Senator Long called up Engrossed Senate Bill 96 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 225: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer, Crawford, Foley, and Kuzman.

Engrossed Senate Bill 123

Senator Paul called up Engrossed Senate Bill 123 for third reading:

A BILL FOR AN ACT concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 226: yeas 36, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Saunders.

Engrossed Senate Bill 124

Senator Paul called up Engrossed Senate Bill 124 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 227: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Saunders.

Engrossed Senate Bill 126

Senator Zakas called up Engrossed Senate Bill 126 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 228: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed

the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 132

Senator Zakas called up Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 229: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Borders.

12:34 p.m.

The Chair declared a recess until 1:45 p.m.

Recess

The Senate reconvened at 1:50 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 73.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Senate Bill 315.

R. YOUNG

Motion prevailed.

The President of the Senate yielded the gavel to Senator Garton.

RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 1

Senator M. Young called up Engrossed Senate Joint Resolution 1 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning the judiciary.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and

agreement.

SECTION 2. ARTICLE 7, SECTION 3 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 3. ~~Chief Justice.~~ (a) **The Commission on Judicial Nominations and Qualifications shall select** the Chief Justice of the State ~~shall be selected by the judicial nominating commission~~ from the members of the Supreme Court. ~~and he shall retain~~

(b) **The Chief Justice may hold** that office for a period of five (5) years, subject to reappointment in the same manner. ~~except that a member of the Court~~ **The Chief Justice** may resign the office of Chief Justice without resigning from the Court.

(c) During a vacancy in the office of Chief Justice caused by absence, illness, incapacity, or resignation all powers and duties of ~~that the office shall~~ devolve upon the member of the Supreme Court who is senior in length of service and if equal in length of service the determination shall be by lot until such time as the cause of the vacancy is terminated or the vacancy is filled.

(d) The Chief Justice ~~of the State~~ shall appoint such persons as the General Assembly by law may provide for the administration of ~~his the Chief Justice's~~ office.

(e) The Chief Justice shall have prepared and submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested **by the General Assembly.**

SECTION 3. ARTICLE 7, SECTION 9 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 9. ~~Judicial Nominating Commission.~~ (a) There shall be ~~one judicial nominating commission for the Supreme Court and Court of Appeals. This commission shall, in addition, be the~~ a Commission on Judicial Nominations and Qualifications. ~~for the Supreme Court and Court of Appeals.~~

(b) ~~The judicial nominating Commission shall consist~~ **consists of the following** seven (7) members: a majority of whom shall form a quorum; ~~one of whom shall be~~

(1) The Chief Justice of the State or a Justice of the Supreme Court ~~whom he may designate, designated by the Chief Justice, who shall act as chairman. Those the Commission's chair.~~

(2) **One individual** admitted to the practice of law ~~shall elect three of their number to serve as members of said commission. All elections shall be in such manner as the General Assembly may provide. in Indiana elected by those admitted to the practice of law in Indiana.~~

(3) **Three (3) citizens of Indiana** appointed by the Governor. ~~shall appoint to the commission three citizens; At least one of the citizens appointed by the Governor shall not be admitted to the practice of law. The terms of office and compensation for members of a judicial nominating commission shall be fixed by the General Assembly. No~~

(4) **One citizen of Indiana** appointed by the President Pro Tempore of the Senate.

(5) **One citizen of Indiana** appointed by the Speaker of the House of Representatives.

(c) A member of a ~~judicial nominating the~~ Commission other than the Chief Justice or ~~his the Chief Justice's~~ designee ~~shall may~~ **not** hold any other salaried public office. ~~No A Commission~~

member shall may not: hold an office in a political party or organization:

- (1) hold an office in a political party or organization; or
- (2) be an individual who is a lobbyist (as defined in IC 2-7-1-10).

~~No~~ A Commission member of the judicial nominating commission shall be is not eligible for appointment to a judicial office so long as he while the individual is a member of the Commission and for a period of three (3) years thereafter: after the individual leaves the Commission.

(d) The General Assembly shall provide by law for the following:

- (1) The term of office of Commission members.
- (2) The compensation of Commission members.
- (3) The manner of election of the elected Commission member.

(e) Four (4) Commission members constitute a quorum of the Commission. The affirmative vote of at least four (4) members is necessary for the Commission to take action.

SECTION 4. ARTICLE 7, SECTION 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 10. Selection of Justices of the Supreme Court and Judges of the Court of Appeals: (a) The Governor shall fill a vacancy in a judicial office in the Supreme Court or Court of Appeals, shall be filled by the Governor; without regard to political affiliation, by appointing an individual from a list of three (3) nominees presented to him recommended by the judicial nominating Commission If the Governor shall fail to make an appointment from the list within sixty days from the day it is presented to him; the appointment shall be made by the Chief Justice or the acting Chief Justice from the same list: on Judicial Nominations and Qualifications.

(b) To be eligible for nomination as a Justice of the Supreme Court or Judge of the Court of Appeals, a person must be:

- (1) domiciled within the geographic district;
- (2) a citizen of the United States; and
- (3) admitted to the practice of law in the courts of the State Indiana for a period of not less than ten (10) years or must have served as a judge of a circuit, superior, or criminal court of the State of Indiana for a period of not less than five (5) years.

(c) Before an individual appointed as a Justice or Judge under this section may take office, the individual's appointment must be confirmed by the Senate by the affirmative vote of a majority of the members elected to the Senate under rules adopted by the Senate. The Governor may call the General Assembly into a special session to confirm an appointment to a judicial office under this section.

(d) If the Governor fails to make an appointment not later than sixty (60) days after the Commission makes a recommendation to fill the vacancy, the Senate may confirm any of the nominees recommended by the Commission to the Governor.

(e) If the Senate fails to confirm a nominee not later than the sine die adjournment of the session of the General Assembly that occurs immediately after the names of nominees are submitted to the Governor:

- (1) a nominee may not take the judicial office; and

(2) the office shall be filled as a vacancy by another individual as provided in this section.

SECTION 5. ARTICLE 7 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: Section 10.5. (a) A Justice of the Supreme Court or Judge of the Court of Appeals may serve until July 1 of the tenth year after the Justice's or Judge's:

- (1) appointment is confirmed under section 10 of this article; or
- (2) retention is confirmed under this section.

(b) If a Justice or Judge wishes to serve an additional term, the Justice or Judge must apply to the Senate for retention as provided by law.

(c) A Justice or Judge shall be retained in office unless at least sixty percent of the members elected to the Senate vote not to retain the Judge or Justice in office under rules adopted by the Senate.

(d) If a Judge or Justice fails to apply to the Senate for retention as provided by law, or if at least sixty percent of the members of the Senate vote against the retention of the Justice or Judge in office:

- (1) the term of the Judge or Justice expires as provided in subsection (a);
- (2) the Judge or Justice may not continue in office; and
- (3) the office shall be filled as a vacancy by another individual as provided in section 10 of this article.

SECTION 6. ARTICLE 7, SECTION 11 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 11. Tenure of Justices of Supreme Court and Judges of the Court of Appeals: A Justice of the Supreme Court or Judge of the Court of Appeals shall serve until the next general election following the expiration of two years from the date of appointment; and subject to approval or rejection by the electorate; shall continue to serve for terms of ten years; so long as he retains his office. In the case of a justice of the Supreme Court; the electorate of the entire state shall vote on the question of approval or rejection. In the case of judges of the Court of Appeals the electorate of the geographic district in which he serves shall vote on the question of approval or rejection. Every such (a) A Justice or Judge may be removed from office under this section, Article 6, Section 7, or Article 6, Section 8.

(b) A Justice and or Judge shall retire at the age specified by statute in effect at the commencement of his the Justice's or Judge's current term.

Every such (c) A Justice or Judge is disqualified from acting as a judicial officer, without loss of salary, while there is pending:

- (1) an indictment or information charging him the Justice or Judge in any court in the United States with a crime punishable as a felony under the laws of Indiana or the United States; or
- (2) a recommendation to the Supreme Court by the Commission on Judicial Nominations and Qualifications for his the Justice's or Judge's removal or retirement.

(d) On recommendation of the Commission on Judicial Nominations and Qualifications or on its own motion, the Supreme Court may suspend such a Justice or Judge from office without salary when in any court in the United States he the Justice or

Judge:

- (1) pleads guilty ~~or to~~;
- (2) **pleads** no contest ~~to~~; or
- (3) is found guilty of;

a crime punishable as a felony under the laws of Indiana or the United States, or of any other crime that involves moral turpitude under that law. If ~~his the Justice's or Judge's~~ conviction is reversed, ~~the~~ suspension terminates, and ~~he the Justice or Judge~~ shall be paid ~~his the Justice's or Judge's~~ salary for the period of suspension. If ~~he the Justice or Judge~~ is suspended and ~~his the~~ conviction becomes final, the Supreme Court shall remove ~~him the Justice or Judge~~ from office.

(e) On recommendation of the Commission on Judicial Nominations and Qualifications the Supreme Court may:

- (1) retire ~~such a~~ Justice or Judge for disability that seriously interferes with the performance of ~~his judicial~~ duties and is or is likely to become permanent; and
- (2) censure or remove ~~such the~~ Justice or Judge for action occurring not more than six (6) years ~~prior to before~~ the commencement of ~~his the Justice's or Judge's~~ current term, when such action constitutes:

- (A) willful misconduct in office;
- (B) willful and persistent failure to perform ~~his judicial~~ duties;
- (C) habitual intemperance; or
- (D) conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(f) A Justice or Judge ~~so~~ retired by the Supreme Court shall be considered to have retired voluntarily. A Justice or Judge ~~so~~ removed by the Supreme Court is ineligible for judicial office and pending further order of the Court ~~he~~ is suspended from practicing law in ~~this State: Indiana.~~

(g) Upon receipt by the Supreme Court of any such recommendation, the Court shall:

- (1) hold a hearing, at which ~~such the~~ Justice or Judge is entitled to be present; and
- (2) make ~~such any~~ determinations ~~as shall be required. No the Court considers necessary.~~

A Justice ~~shall may not~~ participate in the determination of ~~such a~~ hearing when it concerns ~~himself: the Justice's own case.~~

(h) The Supreme Court shall make rules implementing this section and provide for convening of hearings. Hearings and proceedings shall be public upon request of the Justice or Judge whom it concerns.

~~No such~~ (i) A Justice or Judge ~~shall; may not~~ during ~~his the Justice's or Judge's~~ term of office **do any of the following:**

- (1) Engage in the practice of law.
- (2) Run for elective office other than a judicial office.
- (3) Directly or indirectly make any contribution to, or hold any office in, a political party or organization. ~~or~~
- (4) Take part in any political campaign.

SECTION 7. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING THE FOLLOWING SCHEDULE:

SCHEDULE

An individual who serves as a Justice of the Indiana Supreme Court or a Judge of the Indiana Court of Appeals on the date

the amendments to Article 7 of the Constitution of the State of Indiana, as amended by this joint resolution, are approved by the voters of Indiana may continue in office until the date the Justice's or Judge's term would have expired under Article 7 of the Constitution of the State of Indiana before its amendment by this joint resolution.

Such a Justice or Judge may seek a new term of office before the Justice's or Judge's term expires, subject to confirmation by the Senate as if the Justice or Judge had been nominated to fill a vacancy as provided in Article 7, Section 10 of the Constitution of the State of Indiana, as amended by this joint resolution. The successors of such Justices of the Supreme Court and Judges of the Court of Appeals shall be chosen as provided in Article 7 of the Constitution of the State of Indiana, as amended by this joint resolution.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 230: yeas 33, nays 16. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Richardson.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 142.

SIMPSON

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 41**

Senate Concurrent Resolution 41, introduced by Senators Hershman and Altling:

A CONCURRENT RESOLUTION honoring Dr. Elizabeth (Betty) J. Doversberger on the occasion of her retirement as Chancellor of Ivy Tech State College - Lafayette.

Whereas, Dr. Doversberger has reached unparalleled heights in her professional life and has contributed enormously to the educational enrichment of Hoosier students;

Whereas, Dr. Doversberger began her career at Ivy Tech State College - Lafayette in 1986 as the Dean of Instruction and Interim Executive Dean;

Whereas, Dr. Doversberger was appointed to the position of Chancellor in 1989;

Whereas, As Chancellor of Ivy Tech State College, Dr. Doversberger has headed many programs and spearheaded improvements that have strengthened the position of Ivy Tech as a Hoosier institution of higher learning;

Whereas, During Dr. Doversberger's tenure as Chancellor from 1991 to 2003, Ivy Tech experienced an enrollment increase of 247%;

Whereas, Dr. Doversberger's impressive list of accomplishments includes the acquisition of ownership of the Ross Building and adjoining land in 1991; the establishment of articulation agreements with Purdue University and other four-year colleges and universities; the expansion of dual-credit agreements with area high schools allowing high school students to earn college credit for high school courses; a campus consolidation that included the construction of Ivy Hall; renovation of the Ross Building, and renovation and expansion of Griffin Hall; and surpassing the goal established for the first capital campaign conducted by any Ivy Tech State College region;

Whereas, In addition to her academic responsibilities, Dr. Doversberger is a contributing member of the community;

Whereas, Dr. Doversberger is active in the Third House of the Greater Lafayette Chamber of Commerce, the Lafayette Rotary Club, the Youth Committee Girls Scouts of Sycamore Council, the Hanna Community Council, the Lafayette/West Lafayette Economic Development Corporation, the Indiana Department of Commerce Advisory Board, and the Regional Advisory Board;

Whereas, Before coming to Ivy Tech, Dr. Doversberger held teaching and administrative positions at Illinois Central College in Peoria, Illinois; and

Whereas, December 31 will mark the end of phase one of an outstanding career that has spanned 35 years and the beginning of phase two, which, as all members of the Indiana General Assembly know, will be as remarkable as the first: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to express its sincerest congratulations to Dr. Doversberger on her retirement and its gratitude for her many accomplishments and contributions to the Indiana educational system. We wish her continued success and happiness in her retirement years.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Dr. Elizabeth (Betty) J. Doversberger and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives T. Brown, Klinker, and Micon.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 141

Senator Gard called up Engrossed Senate Bill 141 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 231: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Cherry.

Engrossed Senate Bill 171

Senator Lawson called up Engrossed Senate Bill 171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 232: yeas 38, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Friend.

Senator Garton yielded the gavel to the President of the Senate.

Engrossed Senate Bill 200

Senator Lubbers called up Engrossed Senate Bill 200 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 233: yeas 33, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Porter.

STATEMENT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that Senator Simpson has been excused from the remainder of this session day, March 1, 2005, due to the notification that her mother had suffered a heart attack earlier this afternoon.

GARTON

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 201

Senator Wyss called up Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 234: yeas 37, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Tincher.

Engrossed Senate Bill 227

Senator Miller called up Engrossed Senate Bill 227 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 235: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Buell.

Engrossed Senate Bill 253

Senator Ford called up Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 236: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Ripley.

Engrossed Senate Bill 268

Senator Miller called up Engrossed Senate Bill 268 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 237: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 269

Senator Miller called up Engrossed Senate Bill 269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 238: yeas 40, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Ripley.

Engrossed Senate Bill 279

Senator Gard called up Engrossed Senate Bill 279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 239: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 281

Senator Lubbers called up Engrossed Senate Bill 281 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 240: yeas 33, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

Engrossed Senate Bill 295

Senator Steele called up Engrossed Senate Bill 295 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 241: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 324

Senator Server called up Engrossed Senate Bill 324 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 242: yeas 27, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buck and Van Haaften.

Engrossed Senate Bill 327

Senator Hume called up Engrossed Senate Bill 327 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 243: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich, Grubb, Woodruff, and Klinker.

The President of the Senate yielded the gavel to Senator Garton.

Senator Garton yielded the gavel to Senator Nugent.

Engrossed Senate Bill 330

Senator Ford called up Engrossed Senate Bill 330 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 244: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, Murphy, Oxley, and Goodin.

Engrossed Senate Bill 348

Senator Server called up Engrossed Senate Bill 348 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 245: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed

the Secretary to inform the House of the passage of the bill. House sponsor: Representative Hoffman.

Engrossed Senate Bill 358

Senator Waltz called up Engrossed Senate Bill 358 for third reading:

A BILL FOR AN ACT concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 246: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Engrossed Senate Bill 360

Senator Miller called up Engrossed Senate Bill 360 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 247: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and C. Brown.

Engrossed Senate Bill 376

Senator Lawson called up Engrossed Senate Bill 376 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 248: yeas 44, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Budak and Crawford.

Engrossed Senate Bill 378

Senator Weatherwax called up Engrossed Senate Bill 378 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 249: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Woodruff, Heim, and Stilwell.

Engrossed Senate Bill 397

Senator Landske called up Engrossed Senate Bill 397 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 250: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 405

Senator Miller called up Engrossed Senate Bill 405 for third reading:

A BILL FOR AN ACT concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 30, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson and Buell.

Engrossed Senate Bill 414

Senator Ford called up Engrossed Senate Bill 414 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 252: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Harris and Borrer.

Engrossed Senate Bill 416

Senator Gard called up Engrossed Senate Bill 416 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 253: yeas 37, nays 11. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and C. Brown.

Engrossed Senate Bill 423

Senator Clark called up Engrossed Senate Bill 423 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 254: yeas 24, nays 24. The bill failed for lack of a constitutional majority.

SENATE MOTION TECHNICAL AMENDMENT

Madam President: I move that due to a printing error which resulted in the omission of Amendment 3 (adopted February 28, 2005) from the reprinted bill, the following Technical Amendment be made to Engrossed Senate Bill 432 pursuant to Senate Rule 77(b):

Page 1, line 9, delete "(d)" and insert "(e)".

Page 1, line 9, delete "(g)" and insert "(h)".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"(c) Subsections (e) through (h) do not apply to a health facility licensed under IC 16-28 that has:

(1) maintained; and

(2) reported to the office of Medicaid policy and planning established by IC 12-8-6-1;

a comprehensive care bed occupancy rate of at least ninety-five percent (95%) for two (2) consecutive quarters."

Page 2, line 10, delete "(c)" and insert "(d)".

Page 2, line 37, delete "(d)" and insert "(e)".

Page 2, line 39, delete "(e)" and insert "(f)".

Page 2, line 41, delete "(f)" and insert "(g)".

Page 3, line 1, delete "(g)" and insert "(h)".

Page 3, line 8, delete "(h)" and insert "(i)".

(Reference is to ESB 432 as reprinted March 1, 2005.)

MILLER

REPORTS FROM COMMITTEES

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the Motion for Technical Amendment to Engrossed Senate Bill 432 pursuant to Senate Rule 77(b), has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

GARTON

Report Adopted.

Engrossed Senate Bill 432

Senator Miller called up Engrossed Senate Bill 432 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 255: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Becker.

Engrossed Senate Bill 447

Senator Lutz called up Engrossed Senate Bill 447 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 256: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Van Haaften.

6:21 p.m.

The Chair declared a recess until 6:45 p.m.

Recess

The Senate reconvened at 6:54 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senate Bill 486, assigned to the Senate Committee on Homeland Security, Utilities, and Public Policy, be withdrawn from further consideration by the Senate.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 604, assigned to the Senate Committee on Pensions and Labor, be withdrawn from further consideration by the Senate.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as

coauthor of Engrossed Senate Bill 416.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Engrossed Senate Bill 348.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author of Engrossed Senate Bill 348.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Joint Resolution 1.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Engrossed Senate Bill 66.

DILLON

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 453

Senator Clark called up Engrossed Senate Bill 453 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 257: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr and Kuzman.

Engrossed Senate Bill 459

Senator Dillon called up Engrossed Senate Bill 459 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 258: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Leonard and Orentlicher.

Engrossed Senate Bill 503

Senator Hershman called up Engrossed Senate Bill 503 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 259: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch and Heim.

Engrossed Senate Bill 504

Senator Hershman called up Engrossed Senate Bill 504 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 260: yeas 43, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson and Bottorff.

Engrossed Senate Bill 509

Senator Clark called up Engrossed Senate Bill 509 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 261: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch and Van Haaften.

Engrossed Senate Bill 512

Senator Drozda called up Engrossed Senate Bill 512 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 262: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Whetstone, Richardson, Noe, and Walorski.

Engrossed Senate Bill 513

Senator Weatherwax called up Engrossed Senate Bill 513 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 263: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buck and Gutwein.

Engrossed Senate Bill 524

Senator Wyss called up Engrossed Senate Bill 524 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 264: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hinkle and Day.

Engrossed Senate Bill 525

Senator Zakas called up Engrossed Senate Bill 525 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 265: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas and Ulmer.

Engrossed Senate Bill 529

Senator Lawson called up Engrossed Senate Bill 529 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 266: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, Budak, and Becker.

Engrossed Senate Bill 533

Senator Riegsecker called up Engrossed Senate Bill 533 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 267: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Lehe.

Engrossed Senate Bill 536

Senator Clark called up Engrossed Senate Bill 536 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 268: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Berror.

Engrossed Senate Bill 549

Senator Broden called up Engrossed Senate Bill 549 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 269: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Whetstone and Kromkowski.

Engrossed Senate Bill 557

Senator M. Young called up Engrossed Senate Bill 557 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Ulmer.

Engrossed Senate Bill 566

Senator Dillon called up Engrossed Senate Bill 566 for third reading:

A BILL FOR AN ACT concerning health and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

SENATE MOTION

Madam President: I move that the following title amendment be made to Engrossed Senate Bill 566:

Delete the title and insert the following:
"A BILL FOR AN ACT to amend the Indiana Code concerning health."

(Reference is to ESB 566 as reprinted March 1, 2005.)

DILLON

Motion prevailed.

The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Murphy, Becker, C. Brown, and Austin.

Engrossed Senate Bill 568

Senator Miller called up Engrossed Senate Bill 568 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lutz and Becker.

Engrossed Senate Bill 575

Senator Merritt called up Engrossed Senate Bill 575 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 273: yeas 32, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Pierce.

Engrossed Senate Bill 578

Senator Hershman called up Engrossed Senate Bill 578 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 274: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Buell.

Engrossed Senate Bill 591

Senator Miller called up Engrossed Senate Bill 591 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 275: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Mays.

Engrossed Senate Bill 602

Senator Rogers called up Engrossed Senate Bill 602 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 276: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown, Ayres, and V. Smith.

Engrossed Senate Bill 609

Senator Hume called up Engrossed Senate Bill 609 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 277: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 620

Senator Gard called up Engrossed Senate Bill 620 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 278: yeas 34, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 639

Senator Hume called up Engrossed Senate Bill 639 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 279: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pond and Van Haaften

SENATE MOTION

Madam President: I move that pursuant to Senate Rule 78(d), the Senate reconsider its action taken on Engrossed Senate Bill 570 on February 28, 2005, whereby the bill failed to pass for want of a constitutional majority, by a vote of 23 yeas and 25 nays.

DROZDA

Motion prevailed.

Engrossed Senate Bill 570

Pursuant to Rule 78(d), Engrossed Senate Bill 570 was called for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 280: yeas 31, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Kuzman.

Engrossed Senate Bill 142

Senator Hershman called up Engrossed Senate Bill 142 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 27, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Klinker.

Engrossed Senate Bill 460

Senator Server called up Engrossed Senate Bill 460 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 282: yeas 41, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ayres and Welch.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1004

Senator Clark called up Engrossed House Bill 1004 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 283: yeas 40, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senators Hume and Long be added as coauthors of Engrossed Senate Bill 566.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 525.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 524.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 459.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 513.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Senate Bill 602.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 7, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 8:47 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate